

ASSEMBLY BILL

No. 15

Introduced by Assembly Member Kaloogian

January 19, 1999

An act to amend Sections 33039, 44660, 44661, 44662, and 44664 of, and to add Sections 44660.1 and 44664.1 to, the Education Code, relating to teachers, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 15, as introduced, Kaloogian. Teacher Quality and Evaluation Program.

(1) Existing law states the intent of the Legislature that school district governing boards establish a uniform system of evaluation and assessment of the performance of certificated personnel. Existing law requires the system to involve the development and adoption by each school district of objective evaluation and assessment guidelines. Existing law also requires the governing board of each school district to adopt standards of expected pupil achievement.

This bill would establish the Teacher Quality and Evaluation Program to assess the effectiveness of teachers in ensuring that their pupils progress through the school system and meet state content and performance standards. The bill would require the State Board of Education to establish objective and uniform assessment guidelines for the performance of teachers and standards of expected pupil achievement that are aligned with the state content and performance standards. The bill would impose a

state-mandated local program by requiring every school district governing board to adopt the guidelines and standards to be established by the State Board of Education and by requiring every school district governing board to evaluate pupil test scores to measure academic progress of pupils taught by each teacher in the school district.

(2) Existing law prohibits the evaluation and assessment of certificated employee performance from including the use of publishers' norms established by standardized tests.

This bill would delete this provision.

(3) Under existing law, when a permanent certificated employee receives an unsatisfactory evaluation, the employing authority is required to annually evaluate the employee until the employee achieves a positive evaluation or is separated from the district.

This bill would instead require, when any permanent certificated employee has received an unsatisfactory evaluation, that the employee be placed on probation for a period of 2 years and require the employing authority to explore options to retrain the employee for another profession, or encourage his or her retirement, if the employee does not demonstrate satisfactory improvement in that time, thereby imposing a state-mandated local program. The bill would provide that disputes arising from the implementation of this provision would be subject to binding arbitration unless a governing contract or collective bargaining agreement provides otherwise.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

(5) The bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 33039 of the Education Code is
2 amended to read:

3 33039. The State Board of Education shall develop
4 guidelines ~~which, as described in Section 44660, that~~
5 school districts ~~may use~~ *shall adopt* in the development of
6 teacher evaluation procedures pursuant to Article 11
7 (commencing with Section 44660) of Chapter 1 of Part 25
8 of Division 3 of this title, and shall distribute ~~such~~ *those*
9 guidelines to every school district.

10 SEC. 2. Section 44660 of the Education Code is
11 amended to read:

12 ~~44660. It is the intent of the Legislature that~~
13 ~~governing boards~~ *(a) The Legislature finds and declares*
14 *that teachers are an invaluable resource in California's*
15 *public schools and should be provided the services*
16 *necessary to ensure that they are able to help pupils reach*
17 *their potential. Every school district governing board*
18 *shall establish a uniform system of evaluation and*
19 *assessment of the performance of all certificated*
20 *personnel within each school district of the state,*
21 *including schools conducted or maintained by county*
22 *superintendents of education. The system shall involve*
23 ~~the development and adoption by each school district of~~
24 ~~objective,~~ *based on objective and uniform* evaluation and
25 *assessment guidelines which may, at the discretion of the*
26 ~~governing board,~~ *be uniform throughout the district or,*
27 ~~for compelling reasons, be individually developed for~~
28 ~~territories or schools within the district, provided that all~~
29 ~~certificated personnel of the district shall be subject to a~~
30 ~~system of evaluation and assessment adopted pursuant to~~
31 ~~this article,~~ *which shall be established by the State Board*
32 *of Education and adopted by the governing board of each*
33 *school district.*

1 ~~This~~

2 (b) *This* article does not apply to certificated
3 personnel who are employed on an hourly basis in adult
4 education classes.

5 SEC. 3. Section 44660.1 is added to the Education
6 Code, to read:

7 44660.1. There is hereby established the Teacher
8 Quality and Evaluation Program to assess the
9 effectiveness of teachers in ensuring that their pupils
10 progress through the school system and meet the state
11 content and performance standards adopted pursuant to
12 Section 60605.

13 SEC. 4. Section 44661 of the Education Code is
14 amended to read:

15 44661. In the development and adoption of ~~guidelines~~
16 ~~and~~ procedures pursuant to this article, the governing
17 board shall avail itself of the advice of the certificated
18 instructional personnel in the district's organization of
19 certificated personnel; ~~provided, however, that the~~
20 ~~development and adoption of guidelines pursuant to this~~
21 ~~article shall also be subject to the provisions of Article 1~~
22 ~~(commencing with Section 7100) of Chapter 2 of Part 5~~
23 ~~of Division 1 of Title 1.~~

24 SEC. 5. Section 44662 of the Education Code is
25 amended to read:

26 44662. (a) ~~The~~ *By January 1, 2000, the State Board of*
27 *Education shall establish, and the* governing board of
28 each school district shall ~~establish~~ *adopt*, standards of
29 expected pupil achievement ~~at that are aligned with state~~
30 *content and performance standards adopted pursuant to*
31 *Section 60605 for each grade level in each area of study.*

32 (b) The governing board of each school district shall
33 evaluate and assess certificated employee performance as
34 it reasonably relates to:

35 (1) The progress of pupils toward the standards
36 established pursuant to subdivision (a). *In addition, the*
37 *governing board of each school district shall evaluate data*
38 *including, but not limited to, pupil test scores from the*
39 *statewide achievement test administered pursuant to*
40 *Article 4 (commencing with Section 60640) of Chapter 5*

1 of Part 33 to measure the academic progress of pupils
2 taught by each teacher. The governing board of each
3 school district shall measure this academic progress by
4 comparing the test scores of each pupil when a teacher
5 begins instructing that pupil to the test scores of the pupil
6 when the teacher ceases instructing the pupil. The data
7 reviewed by the governing board of each school district
8 shall include information regarding the socioeconomic
9 status and gender of pupils within each class.

10 (2) The instructional techniques and strategies used
11 by the employee.

12 (3) The employee's adherence to curricular
13 objectives.

14 (4) The establishment and maintenance of a suitable
15 learning environment, within the scope of the
16 employee's responsibilities.

17 (c) The governing board of each school district shall
18 establish and define job responsibilities for certificated
19 noninstructional personnel, including, but not limited to,
20 supervisory and administrative personnel, whose
21 responsibilities cannot be evaluated appropriately under
22 the provisions of subdivision (b), and shall evaluate and
23 assess the performance of those noninstructional
24 certificated employees as it reasonably relates to the
25 fulfillment of those responsibilities.

26 ~~(d) The evaluation and assessment of certificated~~
27 ~~employee performance pursuant to this section shall not~~
28 ~~include the use of publishers' norms established by~~
29 ~~standardized tests.~~

30 ~~(e) Nothing in this section shall be construed as in any~~
31 ~~way limiting~~ limits the authority of school district
32 governing boards to develop and adopt additional
33 evaluation and assessment guidelines or criteria.

34 SEC. 6. Section 44664 of the Education Code is
35 amended to read:

36 44664. (a) Evaluation and assessment of the
37 performance of each certificated employee shall be made
38 on a continuing basis, at least once each school year for
39 probationary personnel, and at least every other year for
40 personnel with permanent status. The evaluation shall

1 include recommendations, if necessary, as to areas of
2 improvement in the performance of the employee *and*
3 *shall set future performance expectations for the*
4 *employee.* ~~In the event~~ If an employee is not performing
5 his or her duties in a satisfactory manner according to the
6 standards ~~prescribed~~ *adopted* by the governing board,
7 the employing authority shall notify the employee in
8 writing of ~~such~~ *that* fact and describe ~~such~~ *the*
9 unsatisfactory performance. ~~The employing authority~~
10 ~~shall thereafter confer with the employee making specific~~
11 ~~recommendations as to areas of improvement in the~~
12 ~~employee's performance and endeavor to assist the~~
13 ~~employee in such performance.~~ When any permanent
14 certificated employee has received an unsatisfactory
15 evaluation, the ~~employing authority shall annually~~
16 ~~evaluate the employee until the employee achieves a~~
17 ~~positive evaluation or is separated from the district~~
18 *employee shall be placed on probation for a period of two*
19 *years. The school district shall assist the employee in*
20 *developing an employee improvement plan program*
21 *pursuant to subdivision (b). If, after a period of two years,*
22 *the employee does not demonstrate satisfactory*
23 *improvement, the employing authority shall explore*
24 *options to retrain the employee for another profession or*
25 *encourage his or her retirement pursuant to Section*
26 *44929. Disputes arising from the implementation of this*
27 *section shall be subject to binding arbitration unless a*
28 *governing contract or collective bargaining agreement*
29 *provides otherwise.*

30 (b) Any evaluation performed pursuant to this article
31 ~~which~~ *that* contains an unsatisfactory rating of an
32 employee's performance in the area of teaching methods
33 or instruction ~~may~~ *shall* include the requirement that the
34 certificated employee ~~shall, as determined necessary by~~
35 ~~the employing authority,~~ participate in a program
36 designed to improve appropriate areas of the employee's
37 performance and to further pupil achievement and the
38 instructional objectives of the employing authority. *The*
39 *program shall include the following services:*

1 *(1) Additional staff development in any subject area in*
2 *which the employee demonstrates weakness.*

3 *(2) Peer counseling or assistance.*

4 *(3) Additional coursework through an institution of*
5 *higher education.*

6 (c) Hourly and temporary hourly certificated
7 employees, other than those employed in adult education
8 classes who are excluded by the provisions of Section
9 44660, and substitute teachers may be excluded from the
10 provisions of this section at the discretion of the
11 governing board.

12 SEC. 7. Section 44664.1 is added to the Education
13 Code, to read:

14 44664.1. The Teacher Quality and Evaluation
15 Program shall be implemented to the extent funds for the
16 program are made available in the annual Budget Act or
17 other item of appropriation.

18 SEC. 8. Notwithstanding Section 17610 of the
19 Government Code, if the Commission on State Mandates
20 determines that this act contains costs mandated by the
21 state, reimbursement to local agencies and school
22 districts for those costs shall be made pursuant to Part 7
23 (commencing with Section 17500) of Division 4 of Title
24 2 of the Government Code. If the statewide cost of the
25 claim for reimbursement does not exceed one million
26 dollars (\$1,000,000), reimbursement shall be made from
27 the State Mandates Claims Fund.

28 Notwithstanding Section 17580 of the Government
29 Code, unless otherwise specified, the provisions of this act
30 shall become operative on the same date that the act
31 takes effect pursuant to the California Constitution.

32 SEC. 9. This act is an urgency statute necessary for the
33 immediate preservation of the public peace, health, or
34 safety within the meaning of Article IV of the
35 Constitution and shall go into immediate effect. The facts
36 constituting the necessity are:

37 In order for teacher evaluation pursuant to the Teacher
38 Quality and Evaluation Program to begin at the earliest

1 possible time, it is necessary that this act take effect
2 immediately.

O

